

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOES A, B, C, D, E, F, G, H,
MARY DOE and MARY ROE, on
behalf of themselves and all others
similarly situated,

No. 2:22-cv-10209

Plaintiffs,

HON. MARK GOLDSMITH

v

MAG. CURTIS IVY, JR.

GRETCHEN WHITMER, Governor
of the State of Michigan, and COL.
JOSEPH GASPER, Director of the
Michigan State Police, in their
individual capacities,

Defendants.

EXHIBIT B

MSP Notice to Registrants

2022-0341402-A



STATE OF MICHIGAN

DEPARTMENT OF STATE POLICE

LANSING

GRETCHEN WHITMER

GOVERNOR

COL. JOSEPH M. GASPER

DIRECTOR

March 24, 2021

SOR Registrant
123 Street Address
Somewhere, Michigan 12345

Subject: Registration Number

On December 31, 2020, the Michigan Sex Offenders Registration Act (SORA) was amended to substantially conform its requirements to the federal Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, as amended. See Public Act 295 of 2020.

You are receiving this correspondence because you are a registered individual under Michigan's amended SORA law based on the information maintained by the Michigan State Police's Sex Offender Registry Unit. This correspondence summarizes the major changes within the SORA that affect your registration responsibilities. **These changes take effect on March 24, 2021.** A more detailed explanation of your reporting obligations will be provided to you at your next verification period.

STUDENT SAFETY ZONES

The requirements that registered individuals not live, work, or loiter within 1000 feet of school property have been eliminated. See Public Act 295 of 2020, repealing MCL 28.733, 28.734, 28.735, and 28.736.

PUBLIC NATURE OF THE TIERING

The amended law also eliminates the publishing of the registrant's tiering on the public internet website. MCL 28.728(3)(e) ("The following information must not be made available on the public internet website described in subsection (2): . . . (e) *The individual's tier classification.*") (emphasis added).

REGISTERING AND REPORTING EMAIL AND INTERNET IDENTIFIERS

The amended law further provides that the obligations to register and report all electronic mail addresses and internet identifiers registered to or used by an individual only applies to individuals required to be registered under the Act after July 1, 2011. MCL 28.725(2)(a), 28.727(1)(i). In other words, individuals who were required to be registered under the Act prior to July 1, 2011, and who have committed no registrable offense since, have no obligation to register or report electronic mail addresses or internet identifiers under the amended law.

REPORTING OBLIGATIONS UNDER § 28.725 OF THE SORA

Under MCL 28.725(1), registered individuals must update their status for changes in residence or domicile, employment, enrollment as student, or name **in person** at the registering authority having jurisdiction over his or her residence **not more than three business days** after the change. MCL 28.725(1) (emphasis added).

Under MCL 28.725(2), registered individuals must update a change to their vehicle information, electronic mail addresses, internet identifiers, telephone numbers, or temporary residence **not more than three business days** after the change in the **manner prescribed by the Michigan State Police**. MCL 28.725(2).

MICHIGAN STATE POLICE HEADQUARTERS • 7150 HARRIS DRIVE • DIMONDALE, MICHIGAN 48821

MAILING ADDRESS • P.O. BOX 30634 • LANSING, MICHIGAN 48909

www.michigan.gov/msp

MANNER PRESCRIBED BY THE MICHIGAN STATE POLICE UNDER § 28.725(2) OF SORA

Under MCL 28.725(2), registered individuals must update a change to their vehicle information, electronic mail addresses, internet identifiers, telephone numbers, or temporary residence **not more than three business days** after the change in the following manner:

First class mail to the registering authority having jurisdiction over the registered individual's residence that provides updated information regarding the following:

- (a) any change in vehicle information,
electronic mail addresses,
internet identifiers, or
telephone numbers registered to or used by the individual.

(The requirement to report any change in electronic mail addresses and internet identifiers applies only to an individual required to be registered under this Act after July 1, 2011.) [MCL 28.725(2)(a).]

- (b) The individual intends to temporarily reside at any place other than his or her residence for more than 7 days. [MCL 28.725(2)(b).]

A copy of the Michigan State Police form (RI-004A) is included in this notification, which also provides an explanation of your duties.

Also, the form from the Michigan State Police (RI-004A) may be accessed by downloading it from the following website:

www.Michigan.gov/MSPforms

The letter must be postmarked no later than three business days after the date of the change.

Alternatively, the form may be dropped off, or the information may be provided, in person at the registering authority having jurisdiction over the registered individual's residence no later than three business days after the date of the change. But there is no requirement to drop off the updated information in person.

THE FORM SHOULD **NOT** BE MAILED TO THE MICHIGAN STATE POLICE SEX OFFENDER REGISTRY UNIT IN LANSING.

CLARIFICATIONS REGARDING TELEPHONE NUMBERS, ELECTRONIC MAIL ADDRESSES AND INTERNET IDENTIFIERS, AND VEHICLE INFORMATION

Under MCL 28.722(g), the amended law provides that the term 'internet identifier' means 'all designations used for self-identification or routing in internet communications or posting.'

Under MCL 28.727(1), registered individuals must provide all the following information for registration purposes, with changes to (h), (i), and (j):

- (a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known. An individual who is in a witness protection and relocation program is only required to use the name and identifying information reflecting his or her new identity in a registration under this act. The registration and compilation databases must not contain any information identifying the individual's prior identity or locale.
- (b) The individual's Social Security number and any Social Security numbers or alleged Social Security numbers previously used by the individual.
- (c) The individual's date of birth and any alleged dates of birth previously used by the individual.

- (d) The address where the individual resides or will reside. If the individual does not have a residential address, information under this subsection must identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the person spends or will spend the majority of his or her time.
- (e) The name and address of any place of temporary lodging used or to be used by the individual during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days. Information under this subdivision must include the dates the lodging is used or to be used.
- (f) The name and address of each of the individual's employers. For purposes of this subdivision, 'employer' includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection must include the address or location of employment if different from the address of the employer. If the individual lacks a fixed employment location, the information obtained under this subdivision must include the general areas where the individual works and the normal travel routes taken by the individual in the course of his or her employment.
- (g) The name and address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, 'school' means a public or private postsecondary school or school of higher education, including a trade school.
- (h) All telephone numbers registered to the individual or used by the individual, including, but not limited to, residential, work, and mobile telephone numbers.
- (i) Except as otherwise provided in this subdivision, all electronic mail addresses and internet identifiers registered to or used by the individual. This subdivision applies only to an individual required to be registered under this act after July 1, 2011.
- (j) The license plate number and description of any vehicle owned or operated by the individual.
- (k) The individual's driver license number or state personal identification card number.
- (l) A digital copy of the individual's passport and other immigration documents.
- (m) The individual's occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.
- (n) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.
- (o) A complete physical description of the individual.
- (p) The photograph required under section 5a.
- (q) The individual's fingerprints if not already on file with the department and the individual's palm prints. An individual required to be registered under this act shall have his or her fingerprints or palmprints or both taken not later than September 12, 2011 if his or her fingerprints or palmprints are not already on file with the department. The department shall forward a copy of the individual's fingerprints and palm prints to the Federal Bureau of Investigation if not already on file with that bureau.
- (r) Information that is required to be reported under section 4a. [MCL 28.727(1).]

ASSIGNED TO YOUTHFUL TRAINEE STATUS

Under MCL 28.722(a), an individual does not have a registerable conviction for purposes of the SORA when assigned to youthful trainee status under the Holmes Youthful Trainee Act (HYTA) unless that individual fails to successfully complete a term of supervision:

(a) 'Convicted' means 1 of the following:

(i) Having a judgment of conviction or a probation order entered in any court having jurisdiction over criminal offenses, including, but not limited to, a tribal court or a military court. Convicted does not include a conviction that was subsequently set aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise expunged.

(ii) Except as otherwise provided in this subparagraph, being assigned to youthful trainee status under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, before October 1, 2004. An individual who is assigned to and successfully completes a term of supervision under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, is not convicted for purposes of this act. This subparagraph does not apply if a petition was granted under section 8c at any time allowing the individual to discontinue registration under this act, including a reduced registration period that extends to or past July 1, 2011, regardless of the tier designation that would apply on and after that date.

(iii) Having an order of disposition entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the general public under section 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28, if both of the following apply:

(A) The individual was 14 years of age or older at the time of the offense.

(B) The order of disposition is for the commission of an offense that would classify the individual as a tier III offender.

(iv) Having an order of disposition or other adjudication in a juvenile matter in another state or country if both of the following apply:

(A) The individual is 14 years of age or older at the time of the offense.

(B) The order of disposition or other adjudication is for the commission of an offense that would classify the individual as a tier III offender.

[MCL 28.722(a).]

CONVICTIONS THAT HAVE BEEN EXPUNGED

Under MCL 28.725(16), for an individual who has had his or her conviction set aside or otherwise expunged, the individual may present that order to the Michigan State Police or the appropriate registering authority having jurisdiction over his or her residence to have the registration discontinued:

If an individual required to be registered under this act presents an order to the department or the appropriate registering authority that the conviction or adjudication for which the individual is required to be registered under this act has been set aside under 1965 PA 213, MCL 780.621 to 780.624, or has been otherwise expunged, his or her registration under this act must be discontinued. If this subsection applies, the department shall remove the individual from both the law enforcement database and the public internet website maintained under section 8.

[MCL 28.725(16).]

EXCEPTION TO MAINTAIN STATE IDENTIFICATION FOR HOMELESS PERSONS

Under MCL 28.725a(7), a registered individual who is homeless does not have to maintain a driver's license or state identification card:

(7) Except as otherwise provided in this subsection, an individual required to be registered under this act shall maintain either a valid operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, with the individual's current address. The license or card may be used as proof of domicile or residence under this section. In addition, the officer or authorized employee may require the individual to produce another document bearing his or her name and address, including, but not limited to, voter registration or a utility or other bill. The department may specify other satisfactory proof of domicile or residence. The requirement to maintain a valid operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, does not apply to an individual required to be registered under this act who is homeless. As used in this subsection, 'homeless' means someone who lacks a fixed or temporary residence.
[MCL 28.725a(7).]

An explanation of your duties to register as a sex offender will be provided to you at your next verification period. Please review the information carefully and familiarize yourself with the changes to the SORA.

If you have any questions regarding the amendments to the SORA or your reporting obligations, you may contact your legal counsel or the registering authority having jurisdiction over your residence, which is the local police agency, county sheriff, or local Michigan State Police post.

You may wish to retain this letter for future reference.

Sincerely,
Sex Offender Registry Unit